

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

RED TREE INVESTMENTS, LLC,

Plaintiff,

v.

PETRÓLEOS DE VENEZUELA, S.A. and  
PDVSA PETRÓLEO, S.A.,

Defendants.

Nos. 22 Misc. 68-LPS & 22 Misc. 69-LPS

**RED TREE INVESTMENTS, LLC'S MOTION FOR ISSUANCE AND SERVICE OF  
WRITS *FIERI FACIAS* AND JOINDER IN CONOCOPHILLIPS' MOTION FOR  
ISSUANCE AND SERVICE OF WRITS *FIERI FACIAS***

Red Tree Investments, LLC hereby moves, pursuant to Federal Rule of Civil Procedure 69, 10 Del. C. § 5031, 8 Del. C. § 324, and 28 U.S.C. § 1610(c), for an order (i) directing the Clerk of the Court to sign, seal, and issue the writ *fieri facias* conditionally granted to Red Tree against the PDVH shares, and (ii) directing the United States Marshals Service to serve Red Tree's writ, and any other writs the Court may authorize in favor of any other creditors, in the same chronological order that the Court entered orders conditionally authorizing each of those writs.

On May 1, 2023, Red Tree filed a letter alerting the Court to new OFAC guidance which impacts the Court's process for selling the PDVH shares. No. 17 Misc. 151, D.I. 554. Red Tree's letter requested that the Court direct the parties to address that guidance in upcoming briefing about which judgments against Venezuela or PDVSA should be considered "Additional Judgments" under the Sales Procedure Order. *See* No. 19 Misc. 290, D.I. 134 (ordering briefing). As Red Tree's letter notes, OFAC's new guidance bears on whether any obstacles remain to the Court's

granting full attachments on the PDVH shares and what priority should be accorded between creditors. No. 17 Misc. 151, D.I. 554.

Separately, on May 1, Phillips Petroleum Company Venezuela Limited, ConocoPhillips Petrozuata B.V., and ConocoPhillips Gulf of Paria B.V.’s (“ConocoPhillips”) filed its Motion for Issuance and Service of Writs *Fieri Facias* requesting that the Court direct the Clerk of Court and Marshal to respectively sign and serve ConocoPhillips’ writs of attachment. Nos. 22 Misc. 264, D.I. 23, 19 Misc. 342, D.I. 52. ConocoPhillips also requested that any conditional writs of attachment should be served in the same chronological order that the Court authorized those writs. *Id.* ConocoPhillips filed its motion to “ensure that [ConocoPhillips’] rights are protected” in light of “uncertainty” the OFAC guidance may have created. *Id.* at 3.

Red Tree files this motion to protect its rights as well. Red Tree also adopts and incorporates all of ConocoPhillips’ arguments in its motion and brief in support thereof. Specifically, while Red Tree will address the issues of the writs’ priority and service in upcoming briefing, it should be granted the same relief the Court grants to ConocoPhillips if the Court is inclined to take action now. Red Tree therefore respectfully requests that, if the Court orders the service of writs conditionally authorized for ConocoPhillips or any other creditor, then, for the reasons stated in ConocoPhillips’ motion, Red Tree’s writ should be served as well. Red Tree further requests that, for the reasons given by ConocoPhillips, any writs that are served should be served in the same chronological order in which they were authorized.

WHEREFORE, if the Court authorizes issuance and service of writs of attachment against the PDVH shares for ConocoPhillips or any other creditor, it should (1) direct the Clerk of the Court to sign, seal, and issue the writ *fieri facias* conditionally granted to Red Tree against the PDVH shares, and (2) direct the United States Marshals Service to serve Red Tree’s writ, and any

other writs the Court may authorize in favor of any other creditors, in the same chronological order that the Court entered orders conditionally authorizing each of those writs.

Dated: May 2, 2023

LANDIS RATH & COBB LLP

Steven F. Molo (*pro hac vice*)  
Justin M. Ellis (*pro hac vice*)  
Lauren F. Dayton (*pro hac vice*)  
Mark W. Kelley (*pro hac vice*)  
MOOLAMKEN LLP  
430 Park Avenue, 6th Floor  
New York, NY 10022  
Tel.: (212) 607-8170  
Fax: (212) 607-8161  
smolo@mololamken.com

/s/ Rebecca L. Butcher  
Rebecca L. Butcher (#3816)  
Jennifer L. Cree (#5919)  
919 Market Street, Suite 1800  
Wilmington, DE 19899  
Tel: (302) 467-4400  
butcher@lrclaw.com  
cree@lrclaw.com

Elizabeth K. Clarke (*pro hac vice*)  
Pamela Yaacoub (*pro hac vice*)  
MOOLAMKEN LLP  
300 N. LaSalle Street, Suite 5350  
Chicago, IL 60654  
Tel.: (312) 450-6700  
Fax: (312) 450-6701

*Counsel for Red Tree Investments, LLC*